

Senate File 2336

S-5209

1 Amend the amendment, S-5203, to Senate File 2336 as
2 follows:

3 1. By striking page 1, line 1, through page 3, line
4 14, and inserting:

5 <Amend Senate File 2336 as follows:

6 _____. Page 78, after line 24 by inserting:

7 <Sec. _____. NEW SECTION. **239B.2C Absence from home**
8 **— incarceration.**

9 An individual family member who is absent from the
10 home for more than three months because the individual
11 is incarcerated in jail or a correctional facility
12 shall not be included in the family unit for purposes
13 of assistance.

14 Sec. _____. NEW SECTION. **239B.2D Substance abuse**
15 **screening.**

16 1. For the purposes of this section, unless the
17 context otherwise requires, "*substance abuse screening*
18 *program*" or "*screening program*" means the substance
19 abuse screening program administered pursuant to this
20 section.

21 2. The substance abuse screening program
22 requirements of this section apply to the following
23 applicants for assistance under this chapter:

24 a. Each adult parent, guardian, or specified
25 relative who is included in the applicant family,
26 including both parents of a two-parent family, or
27 an individual who may be exempt from work activity
28 requirements due to the age of the youngest child or
29 who may be exempt from work activity requirements under
30 the PROMISE JOBS program.

31 b. A minor parent who is not required to live
32 with a parent, guardian, or other adult caretaker in
33 accordance with this chapter.

34 3. As a condition of eligibility for an applicant
35 who is subject to this section to participate in the
36 family investment program, the applicant shall, if not
37 otherwise prohibited by state or federal law, agree to
38 participate in the substance abuse screening program.

39 4. The department shall design and implement a
40 substance abuse screening program for applicants who
41 are subject to this section. To the extent authorized
42 under applicable federal requirements, the screening
43 program shall include but is not limited to all of the
44 following elements:

45 a. Random drug testing of a percentage of the
46 applicants. Such testing shall be conducted on an
47 applicant's blood or urine for the presence of a
48 controlled substance. However, if the information
49 available in regard to a specific applicant indicates
50 there is a strong likelihood that the applicant is

1 using a controlled substance, such testing may be
2 required.

3 *b.* Assure each applicant being drug tested a
4 reasonable degree of dignity while producing and
5 submitting a sample for drug testing, consistent with
6 the department's need to ensure the reliability of the
7 sample.

8 *c.* The results of the blood or urine testing shall
9 not be admissible in any criminal proceeding without
10 the consent of the person subject to the testing.

11 *d.* Provision for the cost of the blood or urine
12 testing under the screening program to be paid by the
13 applicant.

14 *e.* Provide any applicant who tests positive in a
15 drug test under the screening program with a list of
16 licensed substance abuse treatment programs available
17 in the area in which the applicant resides. Neither
18 the department nor the state is not responsible for
19 providing or paying for substance abuse treatment as
20 part of the screening conducted under this section.

21 *f.* An applicant with a positive drug test result
22 who is denied assistance under this chapter may
23 reapply for assistance at any time if the individual
24 can document the successful completion of a licensed
25 substance abuse treatment program. An applicant
26 who has met the requirements of this paragraph
27 and reapplies for assistance must also pass a drug
28 test under the screening program in order for the
29 application to be approved. Any drug test conducted
30 while the individual is undergoing substance abuse
31 treatment must meet the requirements for a drug test
32 under the screening program. The cost of any drug
33 testing or substance abuse treatment provided under
34 this subsection shall be the responsibility of the
35 individual being tested or receiving treatment.

36 *g.* Other design, operation, and standards
37 provisions adopted in rule to ensure the screening
38 program is implemented in a fair and economical manner.

39 5. An adult applicant is not eligible to
40 participate in the family investment program if any of
41 the following is applicable:

42 *a.* The applicant does not agree to participate in
43 the substance abuse screening program.

44 *b.* The applicant tests positive in a blood or urine
45 drug test administered under the screening program for
46 the presence of either of the following:

47 (1) A substance listed in schedule I under section
48 124.204.

49 (2) A substance listed in schedule II, III, or
50 IV under chapter 124 that was not prescribed for the

1 applicant or participant.

2 6. If an applicant parent is deemed ineligible for
3 assistance as a result of having a positive test result
4 from a drug test conducted under the screening program,
5 all of the following apply:

6 a. The eligibility of the applicant's dependent
7 child for assistance is not affected.

8 b. An appropriate protective payee shall be
9 designated to receive assistance on behalf of the
10 dependent child. The applicant parent may choose
11 to designate an individual as the protective payee.
12 The individual designated by the applicant parent
13 as the protective payee must be a specified relative
14 or other immediate family member unless such family
15 member is not available or the family member declines
16 the designation. In which case another individual,
17 approved by the department, shall be designated as the
18 protective payee. The individual must also participate
19 in the screening program before being approved to be
20 the protective payee. If the designated individual has
21 a positive test result, the designated individual shall
22 be ineligible to be the protective payee.

23 7. The department shall adopt rules to implement
24 this section.>

25 _____. By renumbering as necessary.>

MARK CHELGREN